

FOX NEWS AND THE JOINT TORTFEASORS

As CNN and NBC have reported, Hunter Biden is threatening to sue Fox News.

The threatened complaints do not amount to a broad defamation claim. Rather, the letter sent by Geragos attorney Tina Glandian makes the following complaint:

- Both before and after the Alexander Smirnov lawsuit, Fox News claimed that he *and his father* had accepted a bribe, recently doubling down on Smirnov's claim.
- For a fictionalized series called The Trial of Hunter Biden, Fox commercially exploited Hunter's image.
- For the same series, Fox News used revenge porn.
- For the same series, Fox News violated Hunter's copyright.

I've already seen lots of opinion about how wise or unwise this is, most ignoring the narrowness of the defamation claim. The entire claim about the fictionalized series is that Fox presented it as fiction, and therefore cannot be said to be reporting on the news.

Still, I'm agnostic, at this point, about the wisdom of this.

I'm interested, however, in another detail. It's not just Fox News that Geragos is threatening to sue. They're threatening to sue other tortfeasors – the people with whom Fox News worked to harm Hunter Biden. Here's what the protective demand looks like.

As we anticipate that litigation against FOX, as well as its joint tortfeasors is imminent, we hereby formally demand that FOX and its predecessors, successors, parents, subsidiaries, divisions, affiliates, employees, hosts, anchors, commentators, columnists, reporters, journalists, officers, directors, partners, attorneys, accountants, and agents, including but not limited to Jesse Watters, Sean Hannity, Jeanine Pirro, Dana Perino, **Miranda Devine**, Laura Ingraham, and Maria Bartiromo, preserve all documents potentially relevant to the allegations in this letter including any documents which relate to the allegations in this letter in the broadest sense dating back to at least January 1, 2019. To be clear, such documents include but are not limited to all communications related to (i) **strategy meetings at BLT Steak in Washington, D.C. and/or "BLT Team" meetings or communications;** (ii) Skype interviews between Ukrainian officials and a Congressman Devin Nunes senior staff member; (iii) **the meeting in a FOX News conference room in New York City on October 8, 2019 between and among Lev Parnas, Rudy Giuliani, John Solomon, Joseph diGenova, and/or Victoria Toensing;** (iv) the procurement, use, and publication of images of Mr. Biden including the use of intimate images purporting to depict him; (v) the "Salacious Pics Package" and/or "Salacious Pics Package_EDITED" folder allegedly on the laptop obtained by Mr. Mac Isaac; (vi) the planned interview of former Ukrainian prosecutor Viktor Shokin by Sean Hannity in Vienna, Austria in or around late October 2023; and (vii) Fox Nation's six-part "mock trial" entitled "The Trial of Hunter Biden; (viii) the indictment returned against Alexander Smirnov on or about

February 14, 2024.

This preservation demand includes internal communications regarding the foregoing subjects between and among FOX employees, hosts, anchors, commentators, columnists, reporters, journalists, officers, directors, partners, attorneys, accountants, and agents, as well as FOX's communications with third parties including but not limited to John Paul Mac Isaac, Colonel Steve Mac Isaac, Rudy Giuliani, Robert Costello, **Guo Wengui** (and/or Ho Wan Kowk and/or Miles Guo), GTV, Vish Burra, Jack Maxey, Vincent Kaufman, **John Solomon**, Steve Bannon, Tim Murtaugh, and Igor Fruman, Lev Parnas, **Dmitry Firtash**, then-Congressman Devin Nunes, Senator Ron Johnson, Joseph diGenova, Victoria Toensing, **Derek J. Harvey**, then **U.S. Attorney General William Barr**, and other U.S. Department of Justice officials.
[my emphasis]

There are a lot of other tortfeasors included in this list.

This discovery overlaps with what Hunter has already gotten from John Paul Mac Isaac (to say nothing if Robert Robinson allows Hunter's countersuit to go forward), as well as the lawsuit of Rudy and Robert Costello.

But it fills in some of the most important bits – bits that have little to do with the two alleged complaints, per se, but bits that would be relevant in any dispute about whether Fox knew its claims of bribery were not just false, but a deliberate fabrication.

This discovery demand also asks for communications with a number of people, like Devin Nunes and Derek Harvey, who would be untouchable via direct suit. And if Hunter managed to get discovery at all – a very big if – it might threaten to expose ties between Sean

Hannity, Dmitry Firtash, and Bill Barr, among others.

Update: The six-part fictional series is in the process of being deleted (click through for links).

Fox News appears to be taking Hunter Biden's lawsuit threat quite seriously.

The network has quietly pulled down its six-part "mock trial" series from its digital streaming service Fox Nation after lawyers for the presidential scion warned the network of their intention to sue for defamation.

Besides quietly taking down The Trial of Hunter Biden from its streamer, the network also deleted a promotional video promising Fox News viewers an "inside look" at the "mock trial," which was presided over by former reality-TV star Judge Joe Brown.

This would dramatically limit the surface area that Hunter would have for lawsuit as, without the fictional narrative, only the post-Smirnov claims of bribery would be actionable.